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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,710	10/17/2003	Satoshi Miyaji	032024	8795

38834   7590   06/24/2009
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EXAMINER
THOMAS, JASON M

ART UNIT	PAPER NUMBER
2423	

MAIL DATE	DELIVERY MODE
06/24/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 January 2009*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☒ Certified copies of the priority documents have been received in Application No. *10/686,710*.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/24/08*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new grounds of rejection.

Claim Objections

2. Claims 3 and 5 are objected to because of the following informalities:

Regarding claim 3: Claim recites, "means for, each time holding fragments in a moving picture file in the upload buffer by one fragment is completed, transferring the fragments to the storage means" does not adequately convey what is being performed.

Regarding claim 5: Claim recites, "means for, at the same time with the generation of a download buffer, transferring a moving picture file to be downloaded from the storage means to the download buffer by on fragment" does not adequately convey what is being performed.

In this office action, claims 3 and 5 have been interpreted to perform the action of transferring a complete file by file fragments.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son et

al., U.S. Pat. No. 7,159,233 B2 (hereinafter Son) in view of Binder et al., U.S. Pub.

No. 2003/0095783 A1 (hereinafter Binder).

Regarding claim 1: Son discloses a moving picture file distributing device

which receives a moving picture file by uploading and stores it in storage means,

and distributes the moving picture file stored in the storage means to a client by

downloading (see [fig. 1], [col. 3, ll. 5-20], [col. 4, ll. 28-38], [cols. 5-6, ll. 57-4], [col. 8,

ll. 44-59], [col. 10, ll. 25-31], [col. 11, ll. 17-21] comprising: an upload buffer for

temporarily holding a moving picture file at the time of reception (see [cols. 5-6, ll.

57-4] where the caching server first receives, inherently by some temporary holding

means, the uploaded preprocessed content then subsequently determines whether

to store the content in storage medium, such as a disk array, for later streaming or

stream the uploaded content in real-time (RTP), the uploaded content being

temporarily held in the caching server prior to being streamed to an end user; see

also [col. 3, ll. 43-50], [col. 7, ll. 11-21] for the use of RTP, which inherently

establishes sessions and general user sessions); and a download buffer for

temporarily holding a moving picture file at the time of distribution (see [abstract],

[cols. 5-6, ll. 57-4], [col. 7, ll. 3-10], [col. 8, ll. 44-49], [claim 24] where the cache

server also acts as a download buffer in that as an alternative to streaming content,

from the sending device to the receiving device, the cache server can hold the

content by some temporary means, acting as a buffer, and allow users to download

receive the content in real-time directly from the caching server) but Son does not

explicitly teach a dynamic generation of a buffer correspondent to a session, after

that session number is notified; or the separate step of buffering content for

download as a separate session.

Binder teaches a device which dynamically generates a buffer, which reads

on allocating memory, and transferring content between a source storage location

and a solid state memory array to overcome the limiting factors associated with hard

disk drives and the use of this feature for buffering content for downloads for user

session (see [8], [9], [11], [31], [33]; see also [30], [42], [49] where customer

sessions are established for this process to provide unique asynchronous streams

between customers and the buffering device). Therefore, it would have been obvious

to one of ordinary skill in the art at the time the invention was made to modify the

cache server by enabling it to generate buffer space through the allocation of space

in a solid state memory array as taught by Binder in order to greatly reduce limiting

factors such as the sustained transfer rate and the seek time common to hard disk

drive arrays (see [8], [9]).

4. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son in

view of Binder and Kenner et al., U.S. Pat. No. 5,956,716 (hereinafter Kenner).

Regarding claims 2: The combined teachings of Son, in view of Binder, teach means for, after holding an entire moving picture file in the upload buffer is completed, transferring the moving picture file to the storage means, wherein the upload buffer generating means generates an upload buffer when uploading is started (see Son [cols. 5-6, ll. 57-4], [col. 7, ll. 3-10] for, after holding the entire uploaded content, transferring to a hard disk array storage; see also Binder [33], [36] for allocating memory to hold entire content to increase transfer efficiency); but does not explicitly teach the means for, after an entire moving picture file is transferred to the storage means, eliminating the upload buffer.

Kenner teaches a session management system which creates a DSI (Data Sequencing Interface) as a part of a session management to manage each individual user session acting as a link between session request and memory allocation, whereby upon the start of a video transfer the DSI is created and upon the completion of a video transfer the DSI is destroyed, eliminating all associations between the user session and memory allocated for said session (see [col. 5, ll. 8-16], [col. 12, ll. 5-32] where by removing the association the buffer for that session is eliminated). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify session management and control of the server module by providing a means of managing the associations between the user sessions and memory allocations for said sessions as taught by Kenner in order to optimize access to the most requested information and efficient storage with

a maximum of useful redundancy without waste or loss of performance (see [col. 17,

ll. 22-35]).

Regarding claims 3: The combined teachings of Son, in view of Binder and

Kenner, teach means for, each time holding fragments in a picture file in the upload

buffer where one fragment is completed before transferring the moving picture file to

the storage means, wherein the upload buffer generating means generates an

upload buffer when uploading is started; and means for, upon completing the

content transfer, eliminating the upload buffer (see Son [cols. 5-6, ll. 57-4], [col. 7, ll.

3-10] for uploading content and transferring to a hard disk array storage; see also

Binder [33] for transferring to a end user storage in segments as it is received; see

also Kenner [col. 15, lines 14-23] where video can be stored in storage blocks which

are stored separately; see also Kenner [col. 5, ll. 8-16], [col. 12, ll. 5-32] for a

session management system which creates a DSI (Data Sequencing Interface) as a

part of a session management to manage each individual user session acting as a

link between session request and memory allocation, whereby upon the start of a

video transfer the DSI is created and upon the completion of a video transfer the DSI

is destroyed, eliminating all associations between the user session and memory

allocated for said session, where by removing the association the buffer for that

session is eliminated).

Regarding claims 4: The combined teachings of Son, in view of Binder and

Kenner, teach means for, at the same time with the generation of the download

buffer, transferring the moving picture file to be downloaded from the storage means

to the download buffer, wherein the download buffer generating means generates an download buffer when downloading is started; and means for, after an entire moving picture file is downloaded, eliminating the download buffer (see Binder [33], [36] for allocating memory to hold entire content to increase transfer efficiency; see also where [31], [33] where at the same time the memory array allocates space for requested content, content can be placed in the memory array and ready to begin streaming piece by piece or delayed until transferred in whole; see also Kenner [col. 5, ll. 8-16], [col. 12, ll. 5-32] for a session management system which creates a DSI (Data Sequencing Interface) as a part of a session management to manage each individual user session acting as a link between session request and memory allocation, whereby upon the start of a video transfer the DSI is created and upon the completion of a video transfer the DSI is destroyed, eliminating all associations between the user session and memory allocated for said session, where by removing the association the buffer for that session is eliminated).

Regarding claims 5: The combined teachings of Son, in view of Binder and Kenner, teach means for, at the same time with the generation of a download buffer, transferring a moving picture file to be downloaded from the storage means to the download buffer by one fragment, wherein the download buffer generating means generates an download buffer when downloading is started; and means for, upon completing the content download, eliminating the download buffer (see Binder [33] for transferring to a end user storage in segments as it is received; see also where [31], [33] where at the same time the memory array allocates space for requested

content, content can be placed in the memory array and ready to begin streaming

piece by piece or delayed until transferred in whole; see also Kenner [col. 15, lines

14-23] where video can be stored in storage blocks which are stored separately; see

also Kenner [col. 5, ll. 8-16], [col. 12, ll. 5-32] for a session management system

which creates a DSI (Data Sequencing Interface) as a part of a session

management to manage each individual user session acting as a link between

session request and memory allocation, whereby upon the start of a video transfer

the DSI is created and upon the completion of a video transfer the DSI is destroyed,

eliminating all associations between the user session and memory allocated for said

session, where by removing the association the buffer for that session is eliminated).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Thomas whose telephone number is (571) 270-5080. The examiner can normally be reached on Mon. - Thurs., 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J. Thomas

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423